

**Marquis Aurbach Coffing**  
Nick D. Crosby, Esq.  
Nevada Bar No. 8996  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Telephone: (702) 382-0711  
Facsimile: (702) 382-5816  
ncrosby@maclaw.com  
*Attorneys for Defendant,  
Joseph Lombardo*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROGER PALMER; CHAD MOXLEY;  
and, FIREARMS POLICY COALITION,  
INC.,

Case Number: 3:21-cv-00268-MMD-WGC

Plaintiffs,

vs.

STEPHEN SISOLAK, Governor of Nevada; AARON FORD, Attorney General of Nevada; GEORGE TOGLIATTI, Director of the Nevada Department of Public Safety; MINDY MCKAY, Administrator of the Records, Communications and Compliance Division of the Nevada Department of Public Safety; JOSEPH LOMBARDO, Sheriff of Clark County, Nevada; STEVEN WOLFSON, District Attorney of Clark County, Nevada; DANIEL COVERLEY, Sheriff of Douglas County, Nevada; and MARK JACKSON, District Attorney of Douglas County, Nevada.

## Defendants.

**DEFENDANT JOSEPH LOMBARDO'S ANSWER TO PLAINTIFFS' COMPLAINT**

Defendant Joseph Lombardo, Sheriff of Clark County, Nevada (“Lombardo), by and through his attorneys of record, Nick D. Crosby, Esq., with the law firm of Marquis Aurbach Coffing, hereby answer Plaintiffs’ Complaint (ECF No. 1) as follows:

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1. In answering Paragraphs 14, 20, 21, 22, 23, 28, 54, 55, 56, 60, 61, 65, 67, 69 and  
 2 71 of Plaintiffs' Complaint, Defendant Lombardo admits the allegations contained therein.

3. In answering Paragraphs 4(a)–(d), 89, 108, 122, 142 and 160 of Plaintiffs' Complaint, Defendant Lombardo denies the allegations contained therein.

5. In answering Paragraphs 7, 16, 17, 18, 19, 42, 47, 48, 49, 50, 52, 64, 75-84, 86, 6 87, 88, 91-107, 110-121, 126, 130, 144, 146, 147, 148, 151, 158 and 159 of Plaintiffs' Complaint, Defendant Lombardo is without sufficient knowledge or information to form an 7 opinion as to the truth of the allegations and, therefore, denies the same.

9. In answering Paragraphs 1, 3, 5, 8, 9, 11, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 53, 10 57, 58, 59, 63, 66, 68, 70, 85, 124, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 141, 149, 11 152, 153, 154, 155, 156 and 157 of Plaintiffs' Complain, the allegations seek a legal conclusion, 12 rather than an admission or denial of facts.

13. In answering Paragraphs 4(e), 10, 12, 13, 36, 37, 41, 43, 44, 45, 46, 51, 72, 125, 14 138, 139, 140 and 145 of Plaintiffs' Complaint, the allegations seek a legal conclusion, do not 15 allege any facts and/or Defendant Lombardo is without sufficient knowledge or information to 16 form an opinion as to the truth of the allegations and, therefore, denies the same.

17. In answering Paragraphs 74, 90, 109, 123 and 143 of Plaintiffs' Complaint, Defendant Lombardo repeats and realleges each and every response thereto.

19. In answering Paragraph 2 of Plaintiffs' Complaint, Defendant Lombardo admits 20 Governor Sisolak signed AB 286, but the remaining allegations calls for a legal conclusion rather 21 than an admission or denial of fact.

22. In answering Paragraph 6 of Plaintiffs' Complaint, Defendant Lombardo admits 23 some provisions of AB 286 took effect immediately, while others do not become effective until 24 January 1, 2022, but is without sufficient information or knowledge to form an opinion as to the 25 truth of the remaining allegations and, therefore, denies the same.

26. In answering Paragraph 15 of Plaintiffs' Complaint, Defendant Lombardo denies 27 Plaintiffs' constitutional rights were violated, but admits the remaining allegations.

1           10. In answering Paragraph 24 of Plaintiffs' Complaint, Defendant Lombardo admits  
2 the allegations contained in the first two sentences of Paragraph 24, but it without sufficient  
3 knowledge or information to form an opinion as to the truth of the remaining allegations and,  
4 therefore, denies the same.

5           11. In answering Paragraph 25 of Plaintiffs' Complaint, Defendant Lombardo admits  
6 the allegations contained in the first two sentences of Paragraph 25, but it without sufficient  
7 knowledge or information to form an opinion as to the truth of the remaining allegations and,  
8 therefore, denies the same.

9           12. In answering Paragraph 26 of Plaintiffs' Complaint, Defendant Lombardo admits  
10 the allegations contained in the first two sentences of Paragraph 26, but it without sufficient  
11 knowledge or information to form an opinion as to the truth of the remaining allegations and,  
12 therefore, denies the same.

13           13. In answering Paragraph 27 of Plaintiffs' Complaint, Defendant Lombardo admits  
14 the allegations contained in the first two sentences of Paragraph 27, but it without sufficient  
15 knowledge or information to form an opinion as to the truth of the remaining allegations and,  
16 therefore, denies the same.

17           14. In answering Paragraph 62 of Plaintiffs' Complaint, Defendant Lombardo admits  
18 the allegations contained in the first and last sentence of Paragraph 62, but the remaining  
19 allegations seek a legal conclusion rather than an admission or denial of fact.

20           15. In answering Paragraph 73 of Plaintiffs' Complaint, Defendant Lombardo admits  
21 the allegations contained therein, with the exception of the allegations in the last sentence which  
22 seek a legal conclusion rather than an admission or denial of fact.

23           16. In answering Paragraph 150 of Plaintiffs' Complaint, Defendant Lombardo  
24 admits the allegations contained in the first sentence, but is without sufficient information or  
25 knowledge to form an opinion as to the truth of the remaining allegations and, therefore, denies  
26 the same.

27           17. As to any remaining allegations not specifically responded to, Defendant  
28 Lombardo denies the same.

## **AFFIRMATIVE DEFENSES**

1. Plaintiffs failed to state a claim upon which relief can be granted.
2. There is no actual, judiciable controversy as it relates to this answering Defendant.
3. Plaintiffs lack standing.
4. Plaintiffs' claims are barred by the Tenth Amendment to the U.S. Constitution.
5. Plaintiffs are unable to meet the legal requirements for the entry of declaratory and injunctive relief and therefore the Complaint should be dismissed.
6. This Answering Defendant is entitled to qualified and/or discretionary immunity.
7. This Answering Defendant did not personally participate in the alleged unconstitutional actions.
8. Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been alleged herein, in so far as sufficient facts were not available after a reasonable inquiry upon the filing of Defendant Lombardo's Answer to Plaintiffs' Complaint; therefore, Defendant Lombardo reserves the right to amend his answer to allege additional affirmative defenses if subsequent investigations so warrant.

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## **PRAYER FOR RELIEF**

WHEREFORE, Defendant Lombardo prays for judgment against Plaintiffs as follows:

1. That Plaintiffs take nothing by way of their Complaint and that the same be dismissed with prejudice;
2. For an award of reasonable attorney fees and costs of suit; and
3. For any further relief as the Court deems to be just and proper.

Dated this 8th day of July, 2021.

## MARQUIS AURBACH COFFING

By: /s/ Nick D. Crosby, Esq.

Nick D. Crosby, Esq.  
Nevada Bar No. 8996  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorneys for Defendant,  
Joseph Lombardo*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **DEFENDANT JOSEPH LOMBARDO'S ANSWER TO PLAINTIFFS' COMPLAINT** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 8<sup>th</sup> day of July, 2021.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

David C. O'Mara  
The O'Mara Law Firm, P.C.  
311 East Liberty Street  
Reno, NV 89501  
[david@omaralaw.net](mailto:david@omaralaw.net)

Raymond M. Diguiseppi, Esq. (*pro hac vice*)  
The Diguiseppi Law Firm, P.C.  
4320 Southport-Supply Road, Suite 300  
Southport, NC 28461  
law.rmd@gmail.com

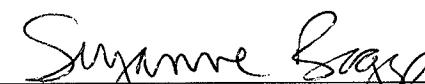
Adam Kraut, Esq. (*pro hac vice*)  
William Sack, Esq. (*pro hac vice*)  
Firearms Policy Coalition  
1215 K Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
[akraut@fpclaw.org](mailto:akraut@fpclaw.org)  
[wsack@fpclaw.org](mailto:wsack@fpclaw.org)

*Attorneys for Plaintiffs*

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1 Steve Shevorski, Esq  
2 Jeffrey M. Conner, Esq.  
3 Kiel B. Ireland, Esq.  
4 Nevada Office of Attorney General  
5 555 E. Washington Ave., Suite 3900  
6 Las Vegas, NV 89101  
7 [sshevorski@ag.nv.gov](mailto:sshevorski@ag.nv.gov)  
8 [jcommer@ag.nv.gov](mailto:jcommer@ag.nv.gov)  
9 [kireland@ag.nv.gov](mailto:kireland@ag.nv.gov)  
10 *Attorneys for State Defendants,*  
11 Stephen Sisolak, Aaron D. Ford,  
12 George Togliatti, and Mindy McKay

13 Zachary J. Wadle, Esq.  
14 Douglas County District Attorney's Office  
15 1038 Buckeye Road  
16 P.O. Box 218  
17 Minden, NV 89423  
18 *Attorneys for Douglas County Defendants,*  
19 Daniel Coverley, Sheriff of Douglas County;  
20 Mark Jackson, District Attorney of Douglas County

21   
22 An employee of Marquis Aurbach Coffing